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MAY 14 2004

OFFICE OF PETITIONS

In re Application of :
John et al. :
Application No. 10/045,799 :
Filed: January 10, 2002 :
Attorney Docket No. 50124/00303 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 26, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed July 10, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, this application became abandoned on October 11, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$475.00 extension of time fee submitted with the petition on January 26, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The file is now being forwarded to Technology Center 3700 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: **FAY KAPLUN & MARCIN, LLP**
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